

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MERCEDES BASILIO, et al.	:	CIVIL ACTION
vs.	:	No.: 2:10-CV-01281-RB
CITY OF PHILADELPHIA, et al.	:	

PLAINTIFFS' PROPOSED JURY VERDICT SLIP

Plaintiffs Mercedes Basilio and Dolores Adelaida Basilio Peralta, by and through their undersigned counsel, hereby submit the following proposed verdict slip in accordance with the Court's pretrial procedure and Local Civil Rule 16.1(d)(4).

1. Do you find that each of the defendants were acting under color of state law?

Yes X No

(The Judge instructed you that there is no issue for you to decide. Please proceed to **question 2**).

2. Do you find that Plaintiffs have proven, by a preponderance of the evidence, that any of the following defendant officers used unreasonable or excessive force on Mercedes Basilio in violation of the Fourth Amendment?

1. Steven Dmytryk	Yes <u> </u>	No <u> </u>
2. Mark Palma	Yes <u> </u>	No <u> </u>
3. Jaime Brown	Yes <u> </u>	No <u> </u>
4. George Burgess	Yes <u> </u>	No <u> </u>
5. Jeffrey Cujdik	Yes <u> </u>	No <u> </u>
6. Thomas Tolstoy	Yes <u> </u>	No <u> </u>
7. Hattie McKellar	Yes <u> </u>	No <u> </u>
8. Mario Cruz	Yes <u> </u>	No <u> </u>
9. Richard Cujdik	Yes <u> </u>	No <u> </u>
10. Thomas Kuhn	Yes <u> </u>	No <u> </u>

(If your answer is "yes" as to any defendant, please proceed to **Question 3**. If you answered "no" as to all of the defendants, please proceed to **Question 4**.)

3. Do you find that Plaintiffs have proven, by a preponderance of the evidence that the conduct of any defendant who you have already determined in Question 2 to have used unreasonable or excessive force on Mercedes Basilio was the factual cause of any injuries Ms. Basilio claims to have suffered?

- | | | |
|--------------------|-----------|----------|
| 1. Steven Dmytryk | Yes _____ | No _____ |
| 2. Mark Palma | Yes _____ | No _____ |
| 3. Jaime Brown | Yes _____ | No _____ |
| 4. George Burgess | Yes _____ | No _____ |
| 5. Jeffrey Cujdik | Yes _____ | No _____ |
| 6. Thomas Tolstoy | Yes _____ | No _____ |
| 7. Hattie McKellar | Yes _____ | No _____ |
| 8. Mario Cruz | Yes _____ | No _____ |
| 9. Richard Cujdik | Yes _____ | No _____ |
| 10. Thomas Kuhn | Yes _____ | No _____ |

(Regardless of your response to this question, please proceed to **Question 4**).

4. Do you find that Plaintiffs have proven, by a preponderance of the evidence, that any of the following defendant officers used unreasonable or excessive force on Dolores Adelaida Basilio Peralta in violation of the Fourth Amendment?

- | | | |
|--------------------|-----------|----------|
| 1. Thomas Kuhn | Yes _____ | No _____ |
| 2. Hattie McKellar | Yes _____ | No _____ |

(If your answer is "yes" as to any defendant, please proceed to **Question 5**. If you answered "no" as to all of the defendants, please proceed to **Question 6**.)

5. Do you find that Plaintiffs have proven, by a preponderance of the evidence that the conduct of any defendant who you have already determined in Question 4 to have used unreasonable or excessive force on Dolores Adelaida Basilio Peralta was the factual cause of any injuries Ms. Peralta claims to have suffered?

- | | | |
|--------------------|-----------|----------|
| 1. Thomas Kuhn | Yes _____ | No _____ |
| 2. Hattie McKellar | Yes _____ | No _____ |

(Regardless of your answer, please proceed to **Question 6**.)

6. Do you find that Plaintiffs have proven, by a preponderance of the evidence that the conduct of any of the following defendant officers violated Dolores Adelaida Basilio Peralta's right to bodily integrity in violation of the Fourteenth Amendment?

- | | | |
|----------------|-----------|----------|
| 1. Thomas Kuhn | Yes _____ | No _____ |
|----------------|-----------|----------|

(If your answer is "yes," please proceed to **Question 7**. If you answered "no," please proceed to **Question 8**.)

7. Do you find that Plaintiffs have proven, by a preponderance of the evidence that Officer Kuhn's violation of Dolores Adelaida Basilio Peralta's right to bodily integrity was a factual cause of physical or emotional harm to Ms. Peralta?

Yes _____ No _____

(Regardless of your answer, please proceed to **Question 8**.)

8. Do you find that Plaintiffs have proven, by a preponderance of the evidence, that any of the following defendant officers unreasonably or excessively executed a search warrant in violation of the Fourth Amendment?

1. Steven Dmytryk	Yes _____	No _____
2. Mark Palma	Yes _____	No _____
3. Jaime Brown	Yes _____	No _____
4. George Burgess	Yes _____	No _____
5. Jeffrey Cujdik	Yes _____	No _____
6. Thomas Tolstoy	Yes _____	No _____
7. Hattie McKellar	Yes _____	No _____
8. Mario Cruz	Yes _____	No _____
9. Richard Cujdik	Yes _____	No _____
10. Thomas Kuhn	Yes _____	No _____

(If your answer is "yes" as to any defendant, please proceed to **Question 9**. If you answered "no" as to all of the defendants, please proceed to **Question 10**.)

9. Do you find that Plaintiffs have proven, by a preponderance of the evidence that the conduct of any defendant who you have already determined in Question 8 to have unreasonably or excessively executed a search warrant was the factual cause of the destruction of any of the property damage as claimed by Mercedes Basilio?

1. Steven Dmytryk	Yes _____	No _____
2. Mark Palma	Yes _____	No _____
3. Jaime Brown	Yes _____	No _____
4. George Burgess	Yes _____	No _____
5. Jeffrey Cujdik	Yes _____	No _____
6. Thomas Tolstoy	Yes _____	No _____
7. Hattie McKellar	Yes _____	No _____
8. Mario Cruz	Yes _____	No _____
9. Richard Cujdik	Yes _____	No _____
10. Thomas Kuhn	Yes _____	No _____

(Regardless of your answer, please proceed to **Question 10.**)

10. Do you find that Plaintiffs have proven, by a preponderance of the evidence, that any of the following defendant officers intended to inflict emotional distress on Mercedes Basilio?

- | | | |
|--------------------|-----------|----------|
| 1. Steven Dmytryk | Yes _____ | No _____ |
| 2. Mark Palma | Yes _____ | No _____ |
| 3. Jaime Brown | Yes _____ | No _____ |
| 4. George Burgess | Yes _____ | No _____ |
| 5. Jeffrey Cujdik | Yes _____ | No _____ |
| 6. Thomas Tolstoy | Yes _____ | No _____ |
| 7. Hattie McKellar | Yes _____ | No _____ |
| 8. Mario Cruz | Yes _____ | No _____ |
| 9. Richard Cujdik | Yes _____ | No _____ |
| 10. Thomas Kuhn | Yes _____ | No _____ |

(If your answer is "yes" as to any defendant, please proceed to **Question 11.** If you answered "no" as to all of the defendants, please proceed to **Question 12.**)

11. Do you find that Plaintiffs have proven, by a preponderance of the evidence that the conduct of any defendant who you have already determined in Question 10 to have intentionally inflicted emotional distress on Mercedes Basilio was the factual cause of harm to Ms. Basilio?

- | | | |
|--------------------|-----------|----------|
| 1. Steven Dmytryk | Yes _____ | No _____ |
| 2. Mark Palma | Yes _____ | No _____ |
| 3. Jaime Brown | Yes _____ | No _____ |
| 4. George Burgess | Yes _____ | No _____ |
| 5. Jeffrey Cujdik | Yes _____ | No _____ |
| 6. Thomas Tolstoy | Yes _____ | No _____ |
| 7. Hattie McKellar | Yes _____ | No _____ |
| 8. Mario Cruz | Yes _____ | No _____ |
| 9. Richard Cujdik | Yes _____ | No _____ |
| 10. Thomas Kuhn | Yes _____ | No _____ |

(Regardless of your answer, please proceed to **Question 12.**)

12. Do you find that Plaintiffs have proven, by a preponderance of the evidence, that any of the following defendant officers intended to inflict emotional distress on Dolores Adelaida Basilio Peralta?

- | | | |
|-------------------|-----------|----------|
| 1. Steven Dmytryk | Yes _____ | No _____ |
| 2. Mark Palma | Yes _____ | No _____ |
| 3. Jaime Brown | Yes _____ | No _____ |

- | | | |
|--------------------|-----------|----------|
| 4. George Burgess | Yes _____ | No _____ |
| 5. Jeffrey Cujdik | Yes _____ | No _____ |
| 6. Thomas Tolstoy | Yes _____ | No _____ |
| 7. Hattie McKellar | Yes _____ | No _____ |
| 8. Mario Cruz | Yes _____ | No _____ |
| 9. Richard Cujdik | Yes _____ | No _____ |
| 10. Thomas Kuhn | Yes _____ | No _____ |

(If your answer is "yes" as to any defendant, please proceed to **Question 11**. If you answered "no" as to all of the defendants, please proceed to **Question 12**.)

13. Do you find that Plaintiffs have proven, by a preponderance of the evidence that the conduct of any defendant who you have already determined in Question 10 to have intentionally inflicted emotional distress on Dolores Adelaida Basilio Peralta was the factual cause of harm to Ms. Peralta?

- | | | |
|--------------------|-----------|----------|
| 1. Steven Dmytryk | Yes _____ | No _____ |
| 2. Mark Palma | Yes _____ | No _____ |
| 3. Jaime Brown | Yes _____ | No _____ |
| 4. George Burgess | Yes _____ | No _____ |
| 5. Jeffrey Cujdik | Yes _____ | No _____ |
| 6. Thomas Tolstoy | Yes _____ | No _____ |
| 7. Hattie McKellar | Yes _____ | No _____ |
| 8. Mario Cruz | Yes _____ | No _____ |
| 9. Richard Cujdik | Yes _____ | No _____ |
| 10. Thomas Kuhn | Yes _____ | No _____ |

(If you answered "yes" as to any defendant in **Questions 3, 9 and/or 11**, please proceed to **Question 14**. If your answer was "no" as to all of the defendants in **Questions 3, 9 and 11**, but your answer was "yes" as to any defendant in **Questions 5, 7 and/or 13**, please proceed to **Question 15**. If you answered "no" as to every defendant in Questions 3, 5, 7, 9, 11 and 13, you have reached a verdict and you should **return to the courtroom**.)

14. State the amount of damages Mercedes Basilio incurred for which the defendants are responsible.

Compensatory Damages: \$ _____

Punitive Damages:

- | | |
|-------------------|----------|
| 1. Steven Dmytryk | \$ _____ |
| 2. Mark Palma | \$ _____ |
| 3. Jaime Brown | \$ _____ |
| 4. George Burgess | \$ _____ |
| 5. Jeffrey Cujdik | \$ _____ |

6. Thomas Tolstoy \$ _____
7. Hattie McKellar \$ _____
8. Mario Cruz \$ _____
9. Richard Cujdik \$ _____
10. Thomas Kuhn \$ _____

(If you answered "yes" as to any defendant in **Questions 5, 7 and/or 13**, please proceed to **Question 15**. If you answered "no" as to every defendant in Questions 5, 7 and 13, you have reached a verdict and you should **return to the courtroom.**)

15. State the amount of damages Dolores Adelaida Basilio Peralta incurred for which the defendants are responsible.

Compensatory Damages: \$ _____

Punitive Damages:

1. Steven Dmytryk \$ _____
2. Mark Palma \$ _____
3. Jaime Brown \$ _____
4. George Burgess \$ _____
5. Jeffrey Cujdik \$ _____
6. Thomas Tolstoy \$ _____
7. Hattie McKellar \$ _____
8. Mario Cruz \$ _____
9. Richard Cujdik \$ _____
10. Thomas Kuhn \$ _____

(Once you have filled in the blank, you have reached your verdict. **Please return to the courtroom.**)

Respectfully submitted:

HAINES & ASSOCIATES

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Dated: October 16, 2013

CERTIFICATE OF SERVICE

I, Lauren A. Warner, Esquire hereby certify that the foregoing *Plaintiffs' Proposed Jury Verdict Slip* has been filed electronically on this 16th day of October, 2013. It is available for reviewing and downloading from the ECF System, and will be served electronically on all counsel.

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/s/ Lauren A. Warner
LAUREN A. WARNER